IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

TUESDAY, THE 16TH OCTOBER 2007 / 24TH ASWINA 1929

Crl.Rev.Pet.No. 3695 of 2007()

CRA.67/2007 of SPL.COURT SPE/CBI-II & IV ADDL.SESSIONS COURT, ERNAKULAM

CP.33/2005 of JUDL.MAGISTRATE OF FIRST CLASS-I, ALUVA

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REVN. PETITIONER: APPELLANT/ACCUSED

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1. MUHAMMED, AGED 50, S/O.MEETHIYAN,
   MEZHUKKATTIL HOUSE, EDATHALA.

2. HASSAN, AGED 75, S/O.ALI,
   THANARI HOUSE, EDATHALA.

BY ADV. SRI.P.SHAIJAN JOSEPH

RESPONDENTS: COMPLAINANT

STATE OF KERALA, REPRESENTED
BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA.

BY PUBLIC PROSECUTOR SRI.K.S.SIVAKUMAR

THIS CRIMINAL REVISION PETITION HAVING COME UP FOR ADMISSION ON 16/10/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. RAMKUMAR, J.

Crl. R.P. No. 3695 OF 2007

Dated this the 16th day of October, 2007

O R D E R

The revision petitioners were sureties to the accused in C.P.No.33/05 on the file of JFCM-I, Aluva for the offences punishable under sections 489B, 489C and 201 read with section 34 IPC. The amount which each of the petitioners undertook to forfeit to the Government as per the bond executed by them was Rs.10,000/-.

2. Consequent on the non-appearance of the accused before the committal court, the bond was forfeited and proceedings were initiated against the revision petitioners under section 446 Cr.P.C. Since the revision petitioners could not give any satisfactory explanation pursuant to the show cause notice issued to them, the trial court as per order dated 1.1.07 imposed the entire bond amount as penalty with a direction that they shall be imprisoned in civil prison for one month if the penalty was ultimately found to be irrecoverable.

3. On appeal preferred by the revision petitioners before the Sessions Court, Ernakulam as Crl.Appeal No.67/07, the IV

Additional Sessions Court reduced the penalty to Rs.7,500/- each. It is the said order which is assailed in this revision.

4. Considering the impecunious circumstances of the revision petitioners, I am of the view that they deserve some leniency. Accordingly, the revision petitioners shall pay a penalty of Rs.5,000/- (Rupees five thousand only) each. The remaining bond shall be remitted. If the penalty as ordered herein above is ultimately found to be irrecoverable, each of the defaulting petitioners shall undergo imprisonment in civil prison for 15 days. The penalty shall be deposited within one month from today.

This revision is disposed of as above.

(V. RAMKUMAR, JUDGE)

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